

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
AUGUSTA DIVISION

ROSCOE RHODES,)	
)	
Plaintiff,)	
)	
v.)	CV 118-219
)	
CORRECT CARE SOLUTIONS, LLC, et al.,)	
)	
Defendants.)	

ORDER

The parties filed a Rule 26(f) Report containing a request to stay discovery, (doc. no. 96, pp. 2, 4), as well as a Joint Motion to Stay Discovery Pending Court’s Ruling on Augusta Defendants’ Motion to Dismiss, (doc. no. 95; see doc. no. 86). For the reasons set forth below, the Court **GRANTS** the motion to stay.

The “[C]ourt has broad inherent power to stay discovery until preliminary issues can be settled which may be dispositive of some important aspect of the case.” Feldman v. Flood, 176 F.R.D. 651, 652 (M.D. Fla. 1997). Before deciding to stay discovery, the Court should:

balance the harm produced by a delay in discovery against the possibility that the motion will be granted and entirely eliminate the need for such discovery. This involves weighing the likely costs and burdens of proceeding with discovery. It may be helpful to take a preliminary peek at the merits of the allegedly dispositive motion to see if on its face there appears to be an immediate and clear possibility that it will be granted.

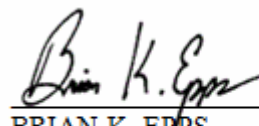
Id. (internal citation and quotation omitted).

Based on a preliminary peek at Defendants Augusta Richmond County and Hardie Davis’s Motion to Dismiss Plaintiff’s Amended Complaint, the Court finds an immediate and

clear possibility of a ruling “which may be dispositive of some important aspect of the case.” (Doc. no. 86.) Indeed, Defendants Augusta Richmond County and Hardie Davis seek dismissal of all claims against them, and the scope of discovery may be drastically limited. (Id.) Moreover, all parties join in the request to stay discovery. (Doc. no. 95, p. 1.)

When balancing the costs and burdens to the parties, the Court concludes discovery should be stayed. See Chudasama v. Mazda Motor Corp., 123 F.3d 1353, 1367 (11th Cir. 1997); Moore v. Potter, 141 F. App’x 803, 807-08 (11th Cir. 2005) (*per curiam*). Thus, the Court **STAYS** discovery in this action pending resolution of Defendants Augusta Richmond County and Hardie Davis’s motion by the presiding District Judge. Any remaining parties shall confer and submit a second joint Rule 26(f) Report, with proposed case deadlines, within seven days of the District Judge’s ruling.

SO ORDERED this 11th day of June, 2019, at Augusta, Georgia.



BRIAN K. EPPS
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA